

Attorney Docket No. P11119

**AMENDMENTS TO THE CLAIMS**

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

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1. (Currently Amended) A method of communicating negotiating operating capabilities in a telecommunications system including at least one mobile station, the method comprising including the step of:

receiving a first list of operating capabilities for a mobile station at a first node upstream of and associated with the mobile station wherein the list is received prior to setting up a call with the mobile station,

storing the operating capabilities at the first node,

receiving a second list of operating capabilities from a second node, when the second node is attempting to set up a call with the mobile station,

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Cont.  
comparing the second list to the first list to negotiate agreed-upon operating capabilities between the second node and the mobile station.

~~providing operating capabilities of the mobile station at a node associated with the mobile station wherein the node is upstream in a communication path from the mobile station.~~

2. (Currently Amended) ~~[[A]]~~ The method as described in claim 1, wherein the ~~step of providing~~ receiving includes: ~~transmitting a~~ receiving the first list of operating capabilities from the mobile station ~~to the node~~ via a location update message.

3.-6. (Canceled)

7. (Currently Amended) ~~[[A]]~~ The method as claimed in claim ~~[[6]]~~ 1, wherein ~~the step of negotiating further includes~~ further comprising:

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selecting the agreed-upon operating capabilities based on operating capabilities that are ~~stored~~ in common on both lists ~~by both nodes~~.

8. (Currently Amended) ~~[[A]]~~ The method as claimed in claim 1, wherein the operating capabilities include codecs.

9. (Currently Amended) ~~[[A]]~~ The method as claimed in claim 1, wherein the operating capabilities include security algorithms.

10. (Currently Amended) ~~[[A]]~~ The method as claimed in claim ~~[[5]]~~ 1, wherein the ~~telecommunication element~~ second node is any one of a mobile station, a terminal device or a ~~node~~ network element.

11. (Currently Amended) ~~[[A]]~~ The method as claimed in claim 1, wherein the ~~first node associated with the mobile station~~ is any one of a MSC, a VLR, a HLR or a GMSC.

12. (Currently Amended) ~~[[A]]~~ The method as claimed in claim ~~[[5]]~~ 1, wherein the ~~second node associated with the telecommunication element~~ is a MSC, a VLR, a HLR or a GMSC.

13.-36. (Canceled)

37. (New) A method for communicating device operating capabilities between a first mobile station and a second mobile station, wherein the first mobile station is served by a first switch node, wherein the first switch node is associated with a storage means, the method comprising:

receiving data indicating the device operating capabilities associated with the first mobile station, wherein the data is communicated without establishing a call connection between the first mobile station and the first switch node;

storing the communicated data within the storage means;

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receiving a call setup message from the first mobile station to establish an outgoing call connection towards the second mobile station;

retrieving the stored data within the storage means; and

including the retrieved data within the outgoing call setup message to allow the data to be reviewed by a second switch node serving the second mobile station for device compatibility.

38. (New) The method of claim 37 wherein the storing is performed by a Visitor Location Register (VLR).

39. (New) The method of claim 37 wherein the reviewing by the second switch is performed by a Gateway Mobile Switching Center (GMSC) serving the second mobile station.

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40. (New) The method of claim 37 wherein the reviewing by the second switch is performed by a Mobile Switching Center (MSC) serving the second mobile station.

41. (New) The method of claim 37 wherein the communicating data indicating the device operating capabilities is performed by the first mobile station during a location update procedure.

42. (New) The method of claim 37 wherein the outgoing call setup message is an Initial Address Message.

43. (New) The method of claim 37 wherein the operating capabilities include Codec capabilities.

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44. (New) A communications node, the node comprising:  
a means for receiving data from a first mobile station, wherein the data indicates device operating capabilities associated with a first mobile station, wherein the data is

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communicated without establishing a call connection between the first mobile station and a first switch node;

a means for storing the communicated data;

a means for receiving a call setup message from the first mobile station to establish an outgoing call connection towards a second mobile station;

a means for retrieving the stored data; and

a means for including the retrieved data within an outgoing call setup message to allow the data to be reviewed by a second switch node serving the second mobile station for device compatibility.

45. (New) The method of claim 44 wherein the means for storing is performed by a Visitor Location Register (VLR).

46. (New) The method of claim 44 wherein the second switch node is a Gateway Mobile Switching Center (GMSC) serving the second mobile station.

47. (New) The method of claim 44 wherein the second switch node is a Mobile Switching Center (MSC) serving the second mobile station.

48. (New) The method of claim 44 wherein the means for communicating data is instructions for a location update procedure.

49. (New) The method of claim 44 wherein the outgoing call setup message is an Initial Address Message.

50. (New) The method of claim 44 wherein the operating capabilities include Codec capabilities.